



Coventry City Council

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**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

Application No. : **FUL/2013/0891**
Registered on : **30/05/2013**

Applicant : **Diamond Construction Ltd**

Re Site at : **Rostherne, New Road**

Description of Development: Erection of 3 dwellings

Delegated Decision on 26/06/2013

Coventry City Council as Local Planning Authority REFUSE permission for the development proposed in your application for the following reasons: -

1. The proposed development would be contrary to Policies BE2 and H12 of the Coventry Development Plan 2001 in that it would result in an unacceptable overdevelopment of this restricted site, giving a cramped appearance which is out of character with the locality.

INFORMATIVES

- For the avoidance of doubt, this decision relates to the following drawings, letters or associated documentation that may have been submitted with the application.



Coventry City Council

**Design and Access Statement;
Proposed Floor Plans and Elevations DWG 5B;
Proposed Floor Plans and Elevations DWG 6A;
Proposed Floor Plans and Elevations DWG 7A;
Site Layout and Location Plans DWG 4C;
Site Section and Street Elevation DWG 8A;
Location and Block Plans**

- You are advised that if your proposal involves works covered by the Party Walls etc Act 1996. You are recommended to seek independent advice. Booklets are available from the Planning Advisory Desk & HMSO.
- **Protected species**

A number of European Protected Species are found in Coventry. Please be aware that any development may have implications and / or adverse impact on species and habitats which are protected by the Wildlife & Countryside Act 1981; the Habitat Regulations 1994; the Conservation of Habitats & Species Regulations 2010 and by other European Legislation. The permission given by this notice does not override the protection afforded to these species and their habitats. Please be aware that it is the developers / landowners / contractors responsibility to ensure that any work being carried out will not harm any protected species. (For more information on protected species please see <http://www.naturalengland.gov.uk>)

If evidence of protected species is found, work should stop immediately while Warwickshire Museum Ecology Unit (01926 418074) or Natural England (01453 764450) are contacted for advice on the best way to proceed. If any conditions concerning protected species are attached to this decision you are advised to contact Warwickshire Museum Ecology Unit (01926 418074) or www.warwickshire.gov.uk/museum for advice before commencing development or submitting any necessary discharge of conditions applications.

Appeal Rights: -

If you are aggrieved by the decision of the City Council to refuse permission for the proposed development subject to conditions, you can appeal to the Department of Communities and Local Government under Section 78(1) of



Coventry City Council

the Town and Country Planning Act 1990 (as amended). An appeal must be made within **six** months of the date of this notice.

The forms to be used in an appeal can be obtained from the Planning Inspectorate, Chartroom, Hawk Wing, Room 3/23 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or you can access their website on **www.planning-inspectorate.gov.uk**

The Secretary of State can allow a longer period for the giving of a Notice of Appeal, but will not normally be prepared to use this power unless there are special circumstances.

The Secretary of State may not consider an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development due to statutory requirements, to the provisions of a development order or to any directions given under an order. The Secretary of State will not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If permission to develop land is refused, whether by the City Council or an appeal by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or may be permitted. In these circumstances, the owner may serve a purchase notice on the City Council requiring the Council to purchase the interest held in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a referral of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 & 120 and related provisions of the Town and Country Planning Act 1990.

- **MINING INFORMATIVE**

The proposed development lies within a coal mining area (either an area of old workings or active and future workings, or an area of proved coal resources) and therefore could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused



Coventry City Council

as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through

drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Group Manager Planning &
Building Control



Coventry City Council

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com